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**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

06-AMRC-0079

JAN 6 2006

Mr. Jay J. Manning, Director  
State of Washington  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504

Mr. L. Michael Bogert  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

**RECEIVED**  
JAN 17 2006

**EDMC**

Addressees:

**MILESTONE M89-00 TENTATIVE AGREEMENT AND REVISED CHANGE FORM**

As discussed between the staffs at the U.S. Department of Energy, Richland Operations Office (RL); State of Washington Department of Ecology (Ecology); and the U.S. Environmental Protection Agency (EPA), attached are a Tentative Agreement and its associated M89-00 Consent Order Milestone related to the 324 Chemical Engineering Building, also known as the Waste Technology Engineering Laboratory. RL requests that the Tentative Agreement be approved, and the associated revision of the M89-00 milestone be placed into public comment with the "324 Building Radiochemical Engineering Cells, High Level Vault, Low-Level Vault, and Associated Closure Plan," DOE/RL-96-73, Revision 3.

The original of this package is being provided to Ecology, as lead regulatory agency, for signature. The original should then be forwarded to EPA for final approval and then be returned to RL.

Addressees  
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JAN 6 2006

If you have questions, please contact me or your staff may contact David T. Evans, Acting Assistant Manager for the River Corridor, on (509) 373-9278.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith A. Klein', with a long horizontal stroke extending to the right.

Keith A. Klein  
Manager

AMRC:RFG

Attachments

cc w/attach:

A. L. Boyd, EPA (Richland)  
F. W. Bond, Ecology  
R. D. Morrison, FHI  
B. A. Smith, WCH  
Administrative Record, A6-08  
Environmental Portal, A3-01  
TPA Administrative Record

## TENTATIVE AGREEMENT ON CHANGES TO THE M-89-00 MAJOR MILESTONE FOR COMPLETING CLOSURE OF THE 324 BUILDING

The U. S. Department of Energy, Richland Operations Office (RL) and the State of Washington Department of Ecology (Ecology), together (Parties), have concluded negotiations on revisions to the Hanford Federal Facility Agreement and Consent Order (HFFACO) M-89-00 Major Milestone, Complete Closure of Non-Permitted Mixed Waste Units in the 324 Building REC B-Cell, REC D-Cell, and High Level Vault

Tentative agreement has been reached. The proposed change package has been developed in accordance with the HFFACO. The enclosed HFFACO Change Request No. M-89-04-01 is mutually agreeable to RL, Ecology, and the U.S. Environmental Protection Agency, Region 10, (EPA), collectively the Parties. In a separate but parallel action, Ecology is proposing to approve and is seeking comment on an amended 324 Building Radiochemical Engineering Cells, High Level Vault, Low-Level Vault, and Associated Areas Closure Plan, DOE/RL-96-73 (324 Building Closure Plan).

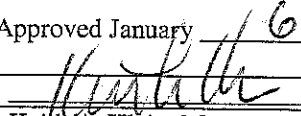
Through the proposed HFFACO change package, the Parties intend to modify the due date for the M-89-00 major milestone from October 31, 2005, to September 30, 2010, so that it aligns with the September 30, 2010, due date for HFFACO Milestone M-094-03. The M-094-03 interim milestone requires the complete disposition of the 324 Building. The M-89-00 Major Milestone workscope is a parallel activity with the M-094-03 interim milestone and the Parties believe it is appropriate to align the workscope under the same due date.

The Parties believe that the 324 Building Closure Plan amendments being considered by Ecology together with this HFFACO change package provide a very defensible approach to satisfying dangerous waste closure requirements in full integration with HFFACO milestones governing 300 Area facility disposition. The Parties believe that by satisfying dangerous waste closure requirements through building disposition instead of extensive decontamination activities, a net increase in protectiveness will be achieved through minimization of waste generation and worker radiation exposure.

Final approval of this change package by the Parties is subject to public comment and appropriate change request modifications, if required following consideration of any comments received. With this Tentative Agreement, the Parties agree to submit the proposed M-89-04-01 Change Package for a 45-day public comment period to run from January 17, 2006, through March 6, 2006. Ecology is separately submitting the proposed amendments to the 324 Building Closure Plan for public comments during a concurrent comment period. Following conclusion of the public comment period, a response to comments document will be prepared, and the change request will be revised if necessary to address public comments, and signed by the Parties. Following approval, the M-89-04-01 Change Request will be incorporated into the HFFACO.

The parties also agree that to minimize additional delay, and if the parties are not able to resolve all issues with regard to comments, any unresolved matters concerning the change package shall be referred back to dispute resolution under the Tri-Party Agreement, Article VII at the Project Manager level.

Approved January 6, 2006.

  
Keith A. Klein, Manager,  
U.S. Department of Energy,  
Richland Operations Office

Jay Manning, Director,  
State of Washington, Department  
Of Ecology

L. M. Bogert, Regional Administrator,  
U.S. Environmental Protection  
Agency, Region 10

<b>Change Number</b>	<b>Federal Facility Agreement and Consent Order Change Control Form</b>		<b>Date:</b>
M-89-04-01	Do not use blue ink. Type or print using black ink.		November 17, 2005
<b>Originator:</b> K. A. Klein, RL/Dale Jackson, RL		<b>Phone:</b> 509-376-7395/509-376-8086	
<b>Class of Change:</b>			
<input checked="" type="checkbox"/> I - Signatories	<input type="checkbox"/> II - Executive Manager	<input type="checkbox"/> III - Project Manager	
<b>Change Title:</b>			
Extend Completion Due Date for Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Major Milestone M-89-00 to Align with Tri-Party Agreement Interim Milestone M-094-03 Due Date			
<b>Description/Justification of Change:</b>			
<p>The U.S. Department of Energy, Richland Operations Office (RL), the State of Washington, Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA), hereinafter referred to as the Parties, agreed to cleanup schedules consistent with the common objective to achieve remediation of waste sites and facilities located along the Columbia River by September 30, 2015. (See Tri-Party Agreement Change Number M-94-04-01) The work scope identified in Tri-Party Agreement Interim Milestone, M-094-03, <i>Complete Disposition of the following Surplus Facilities: 303M, 332, 333, 334, 334A, 3221, 3222, 3223, 3224, 3225, 324, 324B, 327 (See Tri-Party Agreement Change Number M-094-01-01, Table 1)</i> includes the complete disposition of the 324 Building by September 30, 2010.</p> <p>The scope of Tri-Party Agreement Major Milestone M-89-00 is to complete closure of non-permitted mixed waste units in the 324 Building. This work scope will be carried out as described in the <i>324 Building Radiochemical Engineering Cells, High Level Vault, Low-Level Vault, and Associated Areas Closure Plan, DOE/RL-96-73</i> (324 Building Closure Plan).</p> <p>In July 2002, an amendment to the 324 Building Closure Plan was prepared and submitted to Ecology. The amendment was approved by Ecology in December 2002. The purpose of the amendment was to change the existing path forward as described in the 324 Building Radiochemical Engineering Cells, High-Level Vault, Low-Level Vault, and Associated Areas Building Closure Plan from one of clean closure of the units by decontaminating the structure by October 31, 2005, to a path where the high risk materials and wastes were removed from the facility by July 31, 2001 (Milestone M-89-02), followed by complete disposition of the 324 Building by September 30, 2010. Additional changes were submitted to Ecology in January 2004, April 2005, and September 2005. Through a separate notice and comment process concurrent with that associated with this change package, Ecology is proposing and seeking public comment on the September 2005 version of the 324 Building closure plan.</p> <p>The Tri-Party Agreement Major Milestone M-89-00 workscope is a parallel activity with Tri-Party Agreement Interim Milestone M-094-03 workscope. Since the amended 324 Building closure plan is now based on disposition of the entire facility, RL will not be able to submit to Ecology a certification of closure according to the approved closure plan until after complete disposition of the 324 Building by September 30, 2010. Therefore, the purpose of this milestone is to change the due date for the M-89-00 milestone from October 31, 2005 to September 30, 2010 to align with the M-094-03 due date. M-094-03 is not impacted by this change package.</p>			
Modifications/deletions of existing milestones are denoted using <del>strikeout</del> ; additions are denoted with shading.			
Milestone Number	Title	Due	
M-89-00	<i>Complete Closure of Non-Permitted MW Units in the 324 Building REC B-Cell, REC D-Cell, and High Level Vault</i>	<del>10/31/2005</del> 09/30/2010	
<b>Impact of Change:</b>			
This change Package modifies the date of the major milestone M-89-00			
<b>Affected Documents:</b>			
The Tri-Party Agreement as amended and Hanford Site internal planning, management, budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi-Year Work Plan; Sitewide Systems Engineering Control Documents; Project Management Plans, and, if appropriate, LDR Report requirements) and the <i>324 Building Radiochemical Engineering Cells, High Level Vault, Low-Level Vault, and Associated Areas Closure Plan, DOE/RL-96-73</i> .			
<b>Approvals:</b>			
K. A. Klein, RL Manager	Date	____ Approved	____ Disapproved
L. M. Bogert, EPA Regional Administrator	Date	____ Approved	____ Disapproved
J. Manning, Ecology Director	Date	____ Approved	____ Disapproved